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RICHARD W. STEKLY
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name LEWIS REGINALD T.
(Last) (First) (Initial)

Prisoner Number P 95159

Institutional Address SAN QUENTIN STATE PRISON
SAN QUENTIN, CA 94964

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CV 08

3062

REGINALD LEWIS
Full Name of Petitioner

Case No. (To be provided by the clerk of court)

SBA

(PR)

CALIFORNIA DEPT. OF CORRECTIONS
C/O BOARD OF PRISON TERMS

Name of Respondent
(Warden or jailor)

PETITION FOR A WRIT OF HABEAS CORPUS

Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your

Who to Name as Respondent

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainees), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

1. What sentence are you challenging in this petition?

(a) Name and location of court that imposed sentence (for example; Alameda County Superior Court, Oakland):

BOARD OF PRISON TERMS
Court

SANTA CLARA COUNTY
Location

(b) Case number, if known _____

(c) Date and terms of sentence _____

(d) Are you now in custody serving this term? (Custody means being in jail, on parole or probation, etc.) ☒ Yes ☐ No SAN QUENTIN STATE PRISON

Where? SAN QUENTIN, CA 94964
(Name of Institution) (Address)

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

ALLEGED PAROLE VIOLATION

3. Did you have any of the following?

Arraignment: Yes ___ No ☒ Preliminary Hearing: Yes ___ No ☒ Motion to Suppress: Yes ___ No ☒

4. How did you plead?

Guilty _____ Not Guilty ☒ Nolo Contendere _____

Any other plea (specify) _____

5 If you went to trial, what kind of trial did you have? *N/A*

Jury _____ Judge alone _____ Judge alone on a transcript _____

6. Did you testify at your trial? Yes ___ No ___ *N/A*

7. Did you have an attorney at the following proceedings: *N/A*

- (a) Arraignment Yes ___ No ___
- (b) Preliminary hearing Yes ___ No ___
- (c) Time of plea Yes ___ No ___
- (d) Trial Yes ___ No ___
- (e) Sentencing Yes ___ No ___
- (f) Appeal Yes ___ No ___
- (g) Other post-conviction proceeding Yes ___ No ___

8. Did you appeal your conviction? Yes ___ No ___ *N/A*

(a) If you did, to what court(s) did you appeal?

Court of Appeal	Yes ___	No ___	_____
			(Year) (Result)

Supreme Court of California	Yes ___	No ___	_____
			(Year) (Result)

Any other court	Yes ___	No ___	_____
			(Year) (Result)

(b) If you appealed, were the grounds the same as those that you are raising in this petition? Yes ___ No ___

(c) Was there an opinion? Yes ___ No ___

(d) Did you seek permission to file a late appeal under Rule 31(a)?
Yes ___ No ___

Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. § 2244(b).

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court _____

Type of Proceeding _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result _____ Date of Result _____

II. Name of Court _____

Type of Proceeding _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result _____ Date of Result _____

III. Name of Court _____

Type of Proceeding _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result _____ Date of Result _____

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court? Yes ___ No ✓

(Name and location of court)

B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened? Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you need more space. Answer the same questions for each claim.

Note: You must present ALL your claims in your first federal habeas petition. Subsequent petitions may be dismissed without review on the merits. 28 U.S.C. § 2244(b); McCleskey v. Zant, 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).

Claim One: VIOLATION OF DUE PROCESS

PETITIONER SHOULD HAVE BEEN RELEASED 5-23-08

Supporting Facts: MY FINAL REVOCATION HEARING WAS HELD 41 DAYS AFTER PLACEMENT OF THE PAROLE HOLD, AND THE DUE PROCESS LIMIT IS 35 DAYS (FROM 4/17/08)

Claim Two: THE DELAY HAS CAUSED MY HEARING TO BE PREJUDICED.

Supporting Facts: NONE OF MY REQUESTED WITNESSES RECEIVED A SUBPOENA. MY STATE WITNESS WAS UNAVAILABLE BECAUSE THE HEARING WAS HELD 5-28-08.

Claim Three: THIS IS THE SECOND SERIOUS VIOLATION AGAINST ME BY THE BOARD.

Supporting Facts: IN THE PREVIOUS INCIDENT, I WAS HELD IN SAN QUENTIN (ON FALSE CHARGES) FOR 6 MONTHS WITHOUT A SCREENING OFFER, NOR A REVOCATION HEARING.

If any of these grounds was not previously presented to any other court, state briefly which grounds were not presented and why:

List, by name and citation only, any cases that you think are close factually to yours so that they are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning of these cases:

VALDIVIA VS. SCHWARZENEGGER
(NO. CIV. S-94-0671 LKK/GGH)

Do you have an attorney for this petition? Yes ☐ No ☒

If you do, give the name and address of your attorney:

WILL THE COURT PLEASE APPOINT AN ATTORNEY?

WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

Executed on

6-17-08

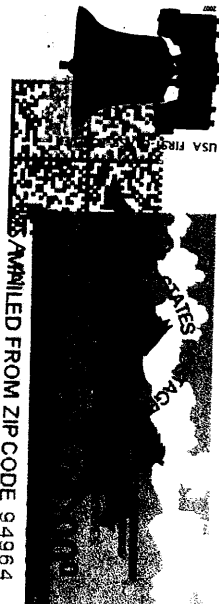
Date

Signature of Petitioner

Ryck L. Lamm

REGINALD LEWIS P95159
SAN QUENTIN STATE PRISON
SAN QUENTIN, CA 94964

503



CLERK OF U.S. DISTRICT COURT
NORTHEAST DISTRICT OF CALIFORNIA
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SAN FRANCISCO, CA

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